

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

CHRISTOPHER PIERCE,

Petitioner,

v.

CASE NO. 22-3104-SAC

TOMMY WILLIAMS,

Respondent.

**MEMORANDUM AND ORDER**

This matter comes before the court on a petition for habeas corpus filed under 28 U.S.C. § 2254. Petitioner proceeds pro se and seeks leave to proceed in forma pauperis. The petition identifies a single ground for relief, "SHOCKING RESPONSE" (Doc. 1, p. 9). The sole explanation for this claim is the attached decision from the Kansas Supreme Court dated May 12, 2022, summarily dismissing his petition for failure to state a claim for relief. He requests release to house arrest during the pendency of this matter and release from custody as relief.

**Screening**

The court has conducted a review of the petition under Rule 4 of the Rules Governing Habeas Corpus. Rule 4 requires the Court to undertake a preliminary review of the petition and "[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief ... the judge must dismiss the petition." Habeas Corpus Rule 4.

**Discussion**

Because the petition contains a brief reference to a denial of parole, the court first finds that this matter should be construed

as a filing under 28 U.S.C. § 2241. *McIntosh v. U.S. Parole Comm'n*, 115 F.3d 809, 811 (10<sup>th</sup> Cir. 1997) (explaining that petitions under § 2241 are used to attack the execution of a sentence as opposed to the validity of a conviction or sentence).

To obtain habeas corpus relief, a petitioner must show that “[h]e is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3).

Because petitioner offers no supporting facts or argument in support of his petition, the court can find no ground that merits relief and concludes this matter may be dismissed.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed for failure to state a claim for relief.

IT IS FURTHER ORDERED petitioner’s motion to proceed in forma pauperis (Doc. 2) is granted.

IT IS FURTHER ORDERED no certificate of appealability will issue.

**IT IS SO ORDERED.**

DATED: This 25th day of May, 2022, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. Senior District Judge